

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4378 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANOJ KUMAR RAMESHBHAI VARMA

Versus

STATE OF GUJARAT

Appearance:

MRS MADHUBEN SHARMA for Petitioner

SERVED BY DS for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 18/07/96

ORAL JUDGEMENT

Heard learned counsel for the parties.
Petitioner passed S.S.C. Examination in the year 1992 and secured about 65% marks. He applied for admission at P.R.Training College, Raykhad, Ahmedabad in July 1995. He was granted admission. After he continued studies for about six months, it was discovered by the respondent that due to mistake committed at their end and inadvertent mistake committed by the computers, the

petitioner was admitted, notwithstanding the fact of he being lower in merit than the last person with whom admission was closed. There is no allegation that the petitioner had at any instrumentality in securing admission, notwithstanding the fact of he being lower in the merit. It is stated by the learned AGP for respondents nos.1 and 3 that since the admissions were finalised, no one else has claimed for admission to P.R.Training College.

Under the circumstances, it is apparent that petitioner is otherwise eligible and had requisite qualification to be admitted to P.R.Training College Courses and he has been given admission, though not coming in the merit as per cut off marks through mistake of the respondents. At this juncture, action of the respondents in cancelling his admission cannot but be said to be arbitrary inasmuch as while it is detrimental to the petitioner allowing the impugned act will not result in any corresponding benefit to anyone else. In the circumstances, it is just and fair that the petitioner is allowed to continue his studies on the basis of admission granted.

In the result, the petition succeeds. The order communicated on 20th June 1996 cancelling petitioner's admission to P.R.Training College is hereby quashed. Rule is made absolute. No order as to costs.
